

103^D CONGRESS
2^D SESSION

H. R. 5180

To reform the child support enforcement system in order to maximize collections of child support payments on behalf of poor children in the United States.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1994

Mr. ANDREWS of New Jersey introduced the following bill; which was referred jointly to the Committees on Ways and Means, the Judiciary, and Banking, Finance and Urban Affairs

A BILL

To reform the child support enforcement system in order to maximize collections of child support payments on behalf of poor children in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Support Enforce-
5 ment Reform Act of 1994”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—EXPANDING COLLECTOR ACCESS TO INFORMATION

- Sec. 101. Expansion of functions of Federal parent locator service.
- Sec. 102. Expansion of databases accessed by parent locator systems.
- Sec. 103. Expansion of access to national network for location of parents.
- Sec. 104. Private access to locate and enforcement services.
- Sec. 105. National reporting of new hires and child support information.
- Sec. 106. Access to law enforcement records systems.
- Sec. 107. Broadcasting of warrants on State networks.
- Sec. 108. Access to financial records.

TITLE II—NATIONAL RECOGNITION OF CHILD SUPPORT ORDERS

- Sec. 201. Interstate recognition of child support and parentage orders.
- Sec. 202. Service of process on Federal employees and members of the armed services in connection with proceedings relating to child support and parentage obligations.
- Sec. 203. Presumed address of obligor and obligee.
- Sec. 204. Notice to custodial parents.
- Sec. 205. Uniform State rules in parentage and child support cases.
- Sec. 206. Fair Credit Reporting Act amendment.
- Sec. 207. Guideline principles.
- Sec. 208. UIFSA endorsement.
- Sec. 209. Uniform terms in orders.

TITLE III—COST SHARING AND COLLECTIONS DISBURSEMENTS

- Sec. 301. New system for determining cost sharing and disbursement of collected child support.
- Sec. 302. Provision of child support enforcement services to families whose income exceeds 200 percent of the poverty line.

TITLE IV—ACCOUNTING AND REVIEWS

- Sec. 401. Accounting.
- Sec. 402. Reviews.

TITLE V—EFFECTIVE DATE

- Sec. 501. Effective date.

1 **TITLE I—EXPANDING COLLEC-**
 2 **TOR ACCESS TO INFORMA-**
 3 **TION**

4 **SEC. 101. EXPANSION OF FUNCTIONS OF FEDERAL PARENT**
 5 **LOCATOR SERVICE.**

6 Section 453 of the Social Security Act (42 U.S.C.
 7 653) is amended—

1 (1) in subsection (a), by striking “enforcing
2 support obligations against such parent” and insert-
3 ing “establishing parentage, establishing, modifying,
4 and enforcing child support obligations, and enforc-
5 ing child visitation rights and responsibilities, and
6 which shall use safeguards to prevent the disclosure
7 of information in cases that would jeopardize the
8 safety of the custodial parent or any child of the
9 custodial parent”;

10 (2) in subsection (b), by inserting after the 2nd
11 sentence the following: “Information with respect to
12 an absent parent shall not be disclosed to any person
13 if the disclosure would jeopardize the safety of the
14 custodial parent or any child of the custodial parent.
15 Information with respect to an absent parent shall
16 not be disclosed to any person (other than the custo-
17 dial parent) unless the custodial parent has been no-
18 tified in advance of the disclosure.”; and

19 (3) in subsection (d), by inserting “and such
20 reasonable fees” after “such documents”.

21 **SEC. 102. EXPANSION OF DATABASES ACCESSED BY PAR-**
22 **ENT LOCATOR SYSTEMS.**

23 (a) **ADDITIONAL INFORMATION FOR FEDERAL PAR-**
24 **ENT LOCATOR SERVICE.**—Section 453 of the Social Secu-
25 rity Act (42 U.S.C. 653) is amended—

1 (1) in subsection (b), by striking “the most re-
2 cent address and place of employment” and insert-
3 ing “the most recent residential address, employer
4 name and address, and amounts and nature of in-
5 come and assets”;

6 (2) in subsection (c)(3), by striking “the resi-
7 dent parent” and inserting “either parent”; and

8 (3) in subsection (e), by adding at the end the
9 following:

10 “(4) The Secretary of the Treasury shall enter into
11 an agreement with the Secretary to provide prompt access
12 by the Secretary (in accordance with this subsection and
13 section 6103(l)(6) of the Internal Revenue Code of 1986)
14 to the quarterly estimated Federal income tax returns
15 filed by individuals with the Internal Revenue Service.”.

16 (b) FEDERAL INCOME TAX RETURN INFORMA-
17 TION.—

18 (1) IN GENERAL.—Subparagraph (A) of section
19 6103(l)(8) of the Internal Revenue Code of 1986
20 (relating to disclosure of certain return information
21 by Social Security Administration to State and local
22 child support enforcement agencies) is amended by
23 inserting “the Federal Parent Locator Service or of”
24 before “a State or local”.

25 (2) CONFORMING AMENDMENTS.—

1 (A) Subparagraph (B) of section
2 6103(l)(8) of such Code is amended by insert-
3 ing “in the case of disclosure to a State or local
4 child support enforcement agency,” after “pre-
5 ceding sentence,”.

6 (B) The heading for paragraph (8) of sec-
7 tion 6103(l) of such Code is amended by strik-
8 ing “STATE AND LOCAL”.

9 (c) STATE INFORMATION.—Section 466(a) of the So-
10 cial Security Act (42 U.S.C. 666(a)) is amended by insert-
11 ing after paragraph (11) the following:

12 “(12) Procedures under which the State child
13 support enforcement agency shall have automated
14 on-line or batch access (or, if necessary,
15 nonautomated access) to information regarding resi-
16 dential addresses, employers and employer address-
17 es, income and assets, and medical insurance bene-
18 fits with respect to absent parents that is available
19 through any database maintained by—

20 “(A) any agency of the State or any politi-
21 cal subdivision thereof, that contains informa-
22 tion on residential addresses, or on employers
23 and employer addresses, as the State deems ap-
24 propriate;

1 “(B) any publicly regulated utility com-
2 pany located in the State;

3 “(C) any credit reporting agency located in
4 the State; and

5 “(D) any trade or labor union located in
6 the State.

7 “(13) Procedures under which the State child
8 support enforcement agency shall—

9 “(A) maintain a child support order reg-
10 istry which shall include each child support
11 order (or an abstract thereof) issued or modi-
12 fied in the State on or after the effective date
13 of this paragraph; and

14 “(B) transmit electronically to the Office
15 of Child Support Enforcement an abstract of
16 each such order, containing such information
17 and in such form as the Secretary may pre-
18 scribe pursuant to section 452(a)(11).”.

19 (d) FEDERAL REGISTRY OF ABSTRACTS OF CHILD
20 SUPPORT ORDERS.—Section 452(a) of the Social Security
21 Act (42 U.S.C. 652(a)), as amended by section 209(a) of
22 this Act, is amended—

23 (1) in paragraph (10), by striking “and” after
24 the semicolon;

1 (2) in paragraph (11), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(12) maintain a registry of all child support
5 order abstracts received from States pursuant to
6 section 466(a)(13)(B).”.

7 (e) STUDY.—The Secretary of Health and Human
8 Services shall conduct a study of the databases in the Fed-
9 eral Government (other than the databases accessed
10 through the amendments made by this section) which may
11 assist the Federal Parent Locator Service in locating indi-
12 viduals owing child support obligations. The report of such
13 study shall be submitted to the Congress not later than
14 January 31, 1995.

15 **SEC. 103. EXPANSION OF ACCESS TO NATIONAL NETWORK**
16 **FOR LOCATION OF PARENTS.**

17 (a) IN GENERAL.—Section 453 of the Social Security
18 Act (42 U.S.C. 653) is amended by adding at the end the
19 following:

20 “(g) The Secretary shall expand the Parent Locator
21 Service to establish a national network based on the com-
22 prehensive statewide child support enforcement systems
23 developed by the States, to—

24 “(1) allow each State to—

1 “(A) locate any absent parent who owes
2 child support, for whom a child support obliga-
3 tion is being established, or for whom an order
4 for visitation is being enforced, by—

5 “(i) accessing the records of other
6 State agencies and sources of locate infor-
7 mation directly from one computer system
8 to another; and

9 “(ii) accessing Federal sources of lo-
10 cate information in the same fashion;

11 “(B) access the files of other States to de-
12 termine whether there are other child support
13 orders and obtain the details of those orders;

14 “(C) provide for both on-line and batch
15 processing of locate requests, with on-line ac-
16 cess restricted to cases in which the information
17 is needed immediately (for such reasons as
18 court appearances) and batch processing used
19 to ‘troll’ databases to locate individuals or up-
20 date information periodically; and

21 “(D) direct locate requests to individual
22 States or Federal agencies, broadcast requests
23 to selected States, or broadcast cases to all
24 States when there is no indication of the source
25 of needed information;

1 “(2) provide for a maximum of 48-hour turn-
 2 around time for information to be broadcast and re-
 3 turned to a requesting State;

4 “(3) provide ready access to courts of the infor-
 5 mation on the network by location of a computer
 6 terminal in each court; and

7 “(4) access the registry of child support orders
 8 required to be maintained by States pursuant to sec-
 9 tion 466(a)(13).”.

10 (b) EXPANDED STATE INTERACTION WITH NA-
 11 TIONAL NETWORK.—Section 454(16) (42 U.S.C.
 12 654(16)) is amended—

13 (1) by striking “and (E)” and inserting “(E)”;
 14 and

15 (2) by striking “enforcement;” and inserting
 16 “enforcement, and (F) to provide access to the na-
 17 tional network developed pursuant to section
 18 453(g);”.

19 **SEC. 104. PRIVATE ACCESS TO LOCATE AND ENFORCEMENT**
 20 **SERVICES.**

21 Section 466(a) of the Social Security Act (42 U.S.C.
 22 666(a)), as amended by section 102(c) of this Act, is
 23 amended by inserting after paragraph (13) the following:

24 “(14)(A) Procedures under which private attor-
 25 neys and pro se obligees must (in accordance with

1 regulations prescribed by the Secretary in consulta-
2 tion with the Attorney General of the United States)
3 be given access to State locate resources and
4 through enforcement techniques of the State child
5 support enforcement agency, for the purpose of es-
6 tablishing, modifying, and enforcing child support,
7 visitation, and parentage orders in accordance with
8 safeguards established by the Secretary in regula-
9 tions—

10 “(i) to provide the custodial parent ad-
11 vance notice of any release of information with
12 respect to a noncustodial parent; and

13 “(ii) to prevent release of information with
14 respect to a noncustodial parent if the release
15 may jeopardize the safety of the noncustodial
16 parent, the custodial parent, or any child of ei-
17 ther parent.

18 “(B) The procedures described in subparagraph
19 (A) must, if the State provides for reasonable fees
20 for the access referred to in subparagraph (A), re-
21 quire the State to establish such fees in accordance
22 with guidelines developed and published by the State
23 that set schedules for such fees.”.

1 **SEC. 105. NATIONAL REPORTING OF NEW HIRES AND CHILD**
2 **SUPPORT INFORMATION.**

3 (a) FEDERAL IMPLEMENTATION OF SYSTEM.—

4 (1) IN GENERAL.—The Secretary of the Treas-
5 ury, in consultation with the Secretary of Labor,
6 shall establish a system of reporting of new employ-
7 ees by requiring employers to provide a copy of every
8 new employee's W-4 form to the employment secu-
9 rity agency of the State in which the employment is
10 located.

11 (2) EXPANDED USE OF FORM.—The Secretary
12 of the Treasury shall modify the W-4 form to be
13 completed by a new employee to enable the employee
14 to indicate on the form—

15 (A) whether the employee owes child sup-
16 port, and if so—

17 (i) to whom the support is payable
18 and the amount of the support payable;
19 and

20 (ii) whether the support is to be paid
21 through wage withholding; and

22 (B) whether health care insurance is avail-
23 able to the new employee, and, if so, whether
24 the new employee has obtained such insurance
25 for the dependent children of the new employee.

26 (3) EMPLOYER WITHHOLDING OBLIGATION.—

1 (A) IN GENERAL.—Subtitle C of the Inter-
2 nal Revenue Code of 1986 (relating to employ-
3 ment taxes) is amended by inserting after chap-
4 ter 24 the following new chapter:

5 **“CHAPTER 24A—COLLECTION OF CHILD**
6 **SUPPORT OBLIGATIONS AT SOURCE**
7 **ON WAGES**

“Sec. 3411. Child support obligations collected at source.

8 **“SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT**
9 **SOURCE.**

10 “(a) REQUIREMENT OF WITHHOLDING.—Every em-
11 ployer making payment of wages shall deduct and with-
12 hold upon such wages a specified child support obligation
13 amount.

14 “(b) SPECIFIED CHILD SUPPORT OBLIGATION
15 AMOUNT.—For purposes of this chapter, the specified
16 child support obligation amount with respect to any em-
17 ployee shall be determined based on—

18 “(1) information provided by the employee, or
19 (if an agency of the State in which the employer is
20 located notifies the employer that such information
21 is inaccurate) information provided by the agency;
22 and

1 “(2) information contained in any wage with-
2 holding order received by the employer from any
3 State.

4 “(c) LIABILITY FOR PAYMENT.—The employer shall
5 be liable for the payment of the specified child support
6 obligation amount to the payee identified by the employee.

7 “(d) SPECIAL RULES.—For purposes of this chapter
8 (and so much of subtitle F as relates to this chapter), any
9 specified child support obligation amount shall be treated
10 as if it were a tax withheld under chapter 24 and rules
11 similar to the rules of such chapter shall apply.”

12 (B) CLERICAL AMENDMENT.—The table of
13 chapters of subtitle C of the Internal Revenue
14 Code of 1986 is amended by inserting after the
15 item relating to chapter 24 the following new
16 item:

 “CHAPTER 24A. Child support obligations collected at source.”

17 (4) WITHHELD CHILD SUPPORT OBLIGATIONS
18 REPORTED ON W-2 FORMS.—Subsection (a) of sec-
19 tion 6051 of the Internal Revenue Code of 1986 (re-
20 lating to receipts for employees) is amended by
21 striking “and” at the end of paragraph (8), by strik-
22 ing the period at the end of paragraph (9) and in-
23 serting “, and”, and by inserting after paragraph
24 (9) the following new paragraph:

1 “(10) the total amount of specified child sup-
2 port obligations withheld under section 3411.”

3 (b) STATE IMPLEMENTATION OF SYSTEM.—Section
4 466(a) of the Social Security Act (42 U.S.C. 666(a)), as
5 amended by sections 102(c) and 104 of this Act, is amend-
6 ed by inserting after paragraph (14) the following:

7 “(15) Procedures under which the State shall—

8 “(A) use the Parent Locator Service estab-
9 lished under section 453 to access information
10 in the national registry of child support orders
11 maintained pursuant to section 452(a)(12) with
12 respect to new employee, compare such infor-
13 mation with the information reported on W-4
14 forms of new employees, and identify child sup-
15 port obligations not reported on such forms;

16 “(B) if child support information from the
17 W-4 form of a new employee agrees with infor-
18 mation with respect to the new employee in the
19 national registry of child support orders main-
20 tained pursuant to section 452(a)(12), notify
21 the individual owed the support (or the individ-
22 ual’s designee) of such information;

23 “(C) notify an employer of any new em-
24 ployee who has not reported on the W-4 form
25 a child support obligation of the new employee;

1 “(D) impose monetary penalties on—

2 “(i) any individual who owes child
3 support and fails to report the obligation
4 to provide the support on a Federal income
5 tax W-4 form at time of employment;

6 “(ii) any employer who fails to for-
7 ward a W-4 form for a new employee to
8 the State employment security agency
9 within 10 calendar days of the date of the
10 first payroll from which the new employee
11 is paid; and

12 “(iii) any employer who fails to with-
13 hold from the pay of any new employee
14 who reports a child support obligation on
15 a W-4 form an amount equal to the sup-
16 port owed, or fails to pay to the individual
17 owed the obligation the amount so with-
18 held, within 10 calendar days of the date
19 of the payroll, using electronic funds trans-
20 fer, if possible, unless otherwise notified by
21 a State agency;

22 “(E) provide the services described in this
23 paragraph to any individual owed child support
24 who applies for assistance under the State plan;
25 and

1 “(F) on request of another State, broad-
2 cast over the Parent Locator Service to such
3 other State child support information from
4 W-4 forms that have been sent to the State
5 employment security agency.”.

6 **SEC. 106. ACCESS TO LAW ENFORCEMENT RECORDS SYS-**
7 **TEMS.**

8 (a) ACCESS BY CHILD SUPPORT ENFORCEMENT
9 AGENCIES.—The head of the National Criminal Informa-
10 tion Center, the head of the National Law Enforcement
11 Telecommunications Network, and the head of any other
12 national or regional system for tracking individuals shall
13 each—

14 (1) allow Federal, State, and local child support
15 enforcement agencies access to the information of
16 the system for purposes of establishing paternity or
17 a child support obligation of an individual tracked
18 by the system, using appropriate safeguards to pre-
19 vent improper release of such information; and

20 (2) if an access code is required to gain such
21 access, provide the access code to each child support
22 enforcement agency that applies for the code.

23 (b) LOSS OF FEDERAL FUNDING.—A non-Federal
24 system for tracking individuals that fails to comply with

1 paragraphs (1) and (2) of subsection (a) shall not be eligi-
2 ble to receive Federal funding for the system.

3 **SEC. 107. BROADCASTING OF WARRANTS ON STATE NET-**
4 **WORKS.**

5 Section 466(a) of the Social Security Act (42 U.S.C.
6 666(a)), as amended by sections 102(c), 104, and 105(b)
7 of this Act, is amended by inserting after paragraph (15)
8 the following:

9 “(16) Procedures under which the State—

10 “(A) shall broadcast on any State or local
11 crime information system each failure-to-appear
12 warrant, capias, and bench warrant issued by a
13 State court in any proceeding related to child
14 support; and

15 “(B) shall, in a criminal case, remit to any
16 individual to whom the defendant owes child
17 support any security posted by or on behalf of
18 the defendant and forfeited, to the extent of
19 any arrearage in the payment of the support.”.

20 **SEC. 108. ACCESS TO FINANCIAL RECORDS.**

21 Section 466(a) of the Social Security Act (42 U.S.C.
22 666(a)), as amended by sections 102(c), 104, 105(b), and
23 107 of this Act, is amended by inserting after paragraph
24 (16) the following:

1 “(17) Procedures under which the State may
2 obtain access to financial records maintained with
3 respect to any person by any financial institution
4 doing business in the State, for the purpose of estab-
5 lishing or enforcing a child support obligation of the
6 person.”.

7 **TITLE II—NATIONAL RECOGNI-**
8 **TION OF CHILD SUPPORT OR-**
9 **DERs**

10 **SEC. 201. INTERSTATE RECOGNITION OF CHILD SUPPORT**
11 **AND PARENTAGE ORDERS.**

12 (a) IN GENERAL.—Chapter 115 of title 28, United
13 States Code, is amended by inserting after section 1738A
14 the following:

15 **“§ 1738B. Full faith and credit to child support and**
16 **parentage orders**

17 “(a) DEFINITIONS.—As used in this section:

18 “(1) The term ‘child’ means any individual who
19 has not attained the age of 18 years, and any indi-
20 vidual who has attained the age of 18 years for
21 whom a child support order has been issued pursu-
22 ant to the laws of a State.

23 “(2) The term ‘child support’ includes periodic
24 and lump-sum payments for current and past due
25 economic support, payments of premiums for health

1 insurance for children, payments for or provision of
2 child care, and payments for educational expenses.

3 “(3) The term ‘child support order’ means a
4 judgment, decree or order of a court requiring the
5 payment of money, whether in periodic amounts or
6 lump sum, for the support of a child and includes
7 permanent and temporary orders, initial orders and
8 modifications, ongoing support and arrearages.

9 “(4) The term ‘child’s State’ means, with re-
10 spect to a child, the State in which the child resides
11 with a parent or an individual acting as a parent.

12 “(5) The term ‘contestant’ means an individual,
13 including a parent, who claims a right to receive
14 child support or is under an order to pay child sup-
15 port, and includes States and political subdivisions
16 to which support rights have been assigned.

17 “(6) The term ‘court’ means a court, adminis-
18 trative process, or quasijudicial process of a State
19 that is authorized to—

20 “(A) adjudicate parentage;

21 “(B) establish the amount of support pay-
22 able by a contestant; or

23 “(C) modify the amount of support pay-
24 able by a contestant.

1 “(7) The term ‘home State’ means, with respect
2 to a child, the State in which, immediately preceding
3 the time involved, the child lived with his or her par-
4 ents, a parent, or an individual acting as parent, for
5 at least 6 consecutive months (including any periods
6 of temporary absence), and if the child has not at-
7 tained the age of 6 months, the State in which the
8 child lived from birth with any of such individuals.

9 “(8) The term ‘individual acting as a parent’
10 means an individual, other than a parent, who has
11 physical custody of a child and who has either been
12 awarded custody by a court or claims a right to cus-
13 tody.

14 “(9) The terms ‘modification’ and ‘modify’ refer
15 to a change in a child support order or an order ad-
16 judicating parentage that modifies, replaces, super-
17 sedes, or otherwise is made subsequent to such prior
18 order, whether or not made by the same court that
19 issued such prior order.

20 “(10) The term ‘State’ means a State of the
21 United States, the District of Columbia, the Com-
22 monwealth of Puerto Rico, a territory or possession
23 of the United States, and Indian country as defined
24 in section 1151 of title 18, United States Code.

1 “(b) FULL FAITH AND CREDIT.—The courts of each
2 State shall recognize and enforce according to its terms
3 a child support order or an order adjudicating parentage
4 against an individual over whom personal jurisdiction has
5 been exercised consistent with this section, and shall not
6 modify such an order except as provided in subsection (f).

7 “(c) BASES OF JURISDICTION.—A court of a State
8 may exercise personal jurisdiction over a nonresident con-
9 testant if there is any basis consistent with the constitu-
10 tion of the State and the Constitution of the United States
11 for the exercise.

12 “(d) CONTINUING EXCLUSIVE JURISDICTION.—A
13 court of a State which has issued a child support order
14 or an order adjudicating parentage consistent with this
15 section shall have continuing, exclusive jurisdiction of the
16 order for so long as the State remains the child’s State
17 or the residence of any contestant, unless another State,
18 acting in accordance with subsection (f), has modified the
19 order.

20 “(e) NOTICE AND HEARING.—Before a court of a
21 State makes a child support order or adjudicates parent-
22 age, reasonable notice and opportunity to be heard shall
23 be given to the contestants.

1 “(f) MODIFICATION.—A court of a State may modify
2 a child support order or an order adjudicating parentage
3 issued by a court of another State if—

4 “(1) each contestant has filed written consent
5 for the court of the State to modify the order and
6 assume continuing, exclusive jurisdiction of the
7 order; and

8 “(2) the court of the State otherwise has juris-
9 diction to issue such an order.

10 “(g) ENFORCEMENT OF PRIOR ORDERS.—A court of
11 a State which no longer has continuing, exclusive jurisdic-
12 tion of a child support order or an order adjudicating par-
13 entage may enforce the order with respect to unsatisfied
14 obligations which accrued before the date the order is
15 modified in accordance with subsection (f).

16 “(h) WITHHOLDING EXERCISE OF JURISDICTION.—
17 A court of a State shall not exercise jurisdiction in any
18 proceeding for a child support order or an adjudication
19 of parentage commenced during the pendency of a pro-
20 ceeding in a court of another State when the court of the
21 other State is exercising jurisdiction consistent with this
22 section unless—

23 “(1) the proceeding was filed in the State be-
24 fore the expiration of time allowed in the other State

1 for filing a responsive pleading challenging the exer-
2 cise of jurisdiction by the other State;

3 “(2) the contesting party timely challenges the
4 exercise of jurisdiction by the other State; and

5 “(3) if applicable, the court is in the home
6 State of the child.

7 “(i) CHOICE OF LAW.—(1) Except as provided in
8 paragraphs (2) and (3), the forum State’s law shall apply
9 in a proceeding to establish, modify, or enforce a child
10 support order or an order adjudicating parentage.

11 “(2) The courts of a State shall apply the law of the
12 State that issued a child support order or an order adju-
13 dicating parentage in interpreting such an order.

14 “(3) In an action to enforce a child support order
15 or an order adjudicating parentage, the statute of limita-
16 tions under the laws of the forum State or the issuing
17 State, whichever is longer, shall apply.”.

18 (b) CLERICAL AMENDMENT.—The chapter analysis
19 for such chapter is amended by inserting after the item
20 relating to section 1738A the following:

“1738B. Full faith and credit to child support and parentage orders.”.

1 **SEC. 202. SERVICE OF PROCESS ON FEDERAL EMPLOYEES**
2 **AND MEMBERS OF THE ARMED SERVICES IN**
3 **CONNECTION WITH PROCEEDINGS RELATING**
4 **TO CHILD SUPPORT AND PARENTAGE OBLI-**
5 **GATIONS.**

6 Part D of title IV of the Social Security Act (42
7 U.S.C. 651–670) is amended by inserting after section
8 460 the following:

9 **“SEC. 460A. SERVICE OF PROCESS ON FEDERAL EMPLOY-**
10 **EES AND MEMBERS OF THE ARMED SERV-**
11 **ICES IN CONNECTION WITH PROCEEDINGS**
12 **RELATING TO CHILD SUPPORT AND PARENT-**
13 **AGE OBLIGATIONS.**

14 “(a) IN GENERAL.—The head of each Government
15 agency shall, in accordance with applicable regulations
16 under subsection (b), designate an agent for receipt of
17 service of process, for any Federal employee or member
18 of the Armed Forces serving in or under such agency, in
19 connection with an action, brought in a court of competent
20 jurisdiction within any State, territory, or possession of
21 the United States, for obtaining a child support order or
22 for establishing parentage.

23 “(b) REGULATIONS.—Regulations governing the im-
24 plementation of this section with respect to the executive,
25 legislative, or judicial branch of the Government shall be
26 promulgated by the authority or authorities responsible

1 for promulgating regulations under section 461 with re-
2 spect to the branch of Government involved.

3 “(c) INTERPRETIVE RULE.—This section shall not be
4 construed to prevent any otherwise eligible individual from
5 requesting or being granted a stay or continuance in any
6 judicial proceeding, including under the Soldiers’ and Sail-
7 ors’ Civil Relief Act of 1940.

8 “(d) GOVERNMENT AGENCY DEFINED.—For pur-
9 poses of this section, the term ‘Government agency’ means
10 each agency of the Federal Government, including—

11 “(1) an Executive agency (as defined by section
12 105 of title 5, United States Code);

13 “(2) the Department of Defense, to the extent
14 that any Federal employee serving in or under that
15 agency or any member of the armed services is in-
16 volved;

17 “(3) the United States Postal Service and the
18 Postal Rate Commission;

19 “(4) the government of the District of Colum-
20 bia;

21 “(5) an agency within the legislative or judicial
22 branch of the Government; and

23 “(6) an advisory committee to which the Fed-
24 eral Advisory Committee Act applies.”.

1 **SEC. 203. PRESUMED ADDRESS OF OBLIGOR AND OBLIGEE.**

2 Section 466(a) of the Social Security Act (42 U.S.C.
3 666(a)), as amended by sections 102(c), 104, 105(b), and
4 107, and 108 of this Act, is amended by inserting after
5 paragraph (17) the following:

6 “(18) Procedures under which the State shall—

7 “(A) require the court or administrative
8 agency with authority to issue the final order in
9 a child support or parentage case to require
10 each party subject to the order to file with the
11 court or administrative agency, on or before the
12 date the order is issued—

13 “(i) the party’s residential address or
14 addresses;

15 “(ii) the party’s mailing address or
16 addresses;

17 “(iii) the party’s home telephone num-
18 ber or numbers;

19 “(iv) the party’s driver’s license num-
20 ber;

21 “(v) the party’s social security ac-
22 count number;

23 “(vi) the name of each employer of
24 the party;

25 “(vii) the addresses of each place of
26 employment of the party; and

1 “(viii) the party’s work telephone
2 number or numbers;

3 “(B) require the court or administrative
4 agency in any action related to child support to
5 presume, for the purpose of providing sufficient
6 notice (other than the initial notice in an action
7 to establish parentage or a child support order),
8 that the noncustodial parent resides at the last
9 residential address given by the noncustodial
10 parent to the court or agency, or a more recent
11 address provided in good faith by the parent
12 owed the support obligation; and

13 “(C) ensure that information concerning
14 the location of a custodial parent or a child of
15 the custodial parent is not released to a
16 noncustodial parent if a court order has been
17 issued against the noncustodial parent for the
18 physical protection of the custodial parent or
19 the child.”.

20 **SEC. 204. NOTICE TO CUSTODIAL PARENTS.**

21 Section 454 of the Social Security Act (42 U.S.C.
22 654) is amended—

23 (1) by striking “and” at the end of paragraph
24 (23);

1 (2) by striking the period at the end of para-
2 graph (24) and inserting “; and”; and

3 (3) by inserting after paragraph (24) the fol-
4 lowing:

5 “(25) provide that the agency administering the
6 plan—

7 “(A) shall make reasonable attempts to
8 provide timely notice to any individual owed
9 child support of any proceeding to establish,
10 modify, or enforce the support obligation;

11 “(B) shall not delay any such proceeding
12 solely due to the failure of the custodial parent
13 to appear; and

14 “(C) shall, within 14 days after the date
15 an order that establishes, modifies, or enforces
16 a child support obligation is issued, provide the
17 custodial parent of the child with a copy of the
18 order.”.

19 **SEC. 205. UNIFORM STATE RULES IN PARENTAGE AND**
20 **CHILD SUPPORT CASES.**

21 Section 466(a) of the Social Security Act (42 U.S.C.
22 666(a)), as amended by sections 102(c), 104, 105(b), 107,
23 108, and 203 of this Act, is amended by inserting after
24 paragraph (18) the following:

25 “(19) Procedures under which, in the State—

1 “(A) a party may, in a single cause of ac-
2 tion, seek judicial determination of the parent-
3 age of a child and judicial establishment of a
4 child support order with respect to the child;

5 “(B) the venue for determination of par-
6 entage of a child shall be in the county of resi-
7 dence of the child;

8 “(C) a court or agency that issues a par-
9 entage or child support order shall have con-
10 tinuing and exclusive jurisdiction over the order
11 until the court or agency transfers such juris-
12 diction to the appropriate court or agency in
13 the county of residence of the child, or the par-
14 ties consent to be bound by another court or
15 agency in the State that has subject matter ju-
16 risdiction;

17 “(D) proceedings to enforce or modify of a
18 child support order may be transferred to the
19 city, county, or district in which the child re-
20 sides without any requirement that the order be
21 filed or the defendant be served again;

22 “(E) a court or agency that hears a par-
23 entage or child support cases shall have state-
24 wide jurisdiction over the parties to the case,
25 and the parentage and child support orders is-

1 sued by the court or agency shall have state-
2 wide effect for enforcement purposes; and

3 “(F) denial of visitation rights may not be
4 used as a defense in an action to enforce an ob-
5 ligation to provide child support and the failure
6 to provide child support may not be used as a
7 defense in an action to enforce visitation
8 rights.”.

9 **SEC. 206. FAIR CREDIT REPORTING ACT AMENDMENT.**

10 Section 604 of the Consumer Credit Protection Act
11 (15 U.S.C. 1681b) is amended by adding at the end the
12 following:

13 “(4) To a State agency administering a State plan
14 under section 454 of the Social Security Act, for use to
15 establish or modify a child support award.”.

16 **SEC. 207. GUIDELINE PRINCIPLES.**

17 Section 467 of the Social Security Act (42 U.S.C.
18 667) is amended by adding at the end the following:

19 “(d) The guidelines established pursuant to sub-
20 section (a) shall be based on, and applied in accordance
21 with, the following principles:

22 “(1) A change in the child support amount re-
23 sulting from the application of the guidelines since
24 the entry of the last support order is sufficient rea-
25 son for modification of a child support obligation

1 without the necessity of showing any other change in
2 circumstance. The State may set a minimum time-
3 frame between reviews of modifications based on the
4 guidelines, absent other changes in circumstances.

5 “(2) Not later than 1995, each State shall es-
6 tablish automatic child support order review proce-
7 dures based on the automated calculation of the
8 amount of support to which a child is entitled, to en-
9 sure that the amount is sufficient to meet the needs
10 of the child, and takes into account any changes in
11 the income of the parents of the child.

12 “(3) The State shall advise any custodial parent
13 who is not receiving aid under a State plan approved
14 under part A of the review of a child support award
15 made with respect to a child of the custodial parent,
16 of any proposed modification in the amount of the
17 award based on the review, and of the right of the
18 custodial parent to decline to seek the modification.

19 “(e) The guidelines established pursuant to sub-
20 section (a) may consider the treatment of the following:

21 “(1) Work-related or job-training-related child
22 care expenses of either parent for the care of chil-
23 dren of either parent.

24 “(2) Health insurance and related uninsured
25 health care expenses, and school expenses incurred

1 on behalf of the child for whom the child support
2 order is sought.

3 “(3) Multiple family child raising obligations
4 other than those for the child for whom the child
5 support order is sought.

6 “(f) Each State must publish the guidelines estab-
7 lished pursuant to subsection (a).”.

8 **SEC. 208. UIFSA ENDORSEMENT.**

9 Section 466 of the Social Security Act (42 U.S.C.
10 666) is amended by adding at the end the following new
11 subsection:

12 “(f) In order to satisfy section 454(20)(A), each
13 State must have in effect laws which adopt without mate-
14 rial change the officially approved version of the Uniform
15 Interstate Family Support Act adopted by the National
16 Conference of Commissioners on Uniform State Laws and
17 approved by the American Bar Association House of Dele-
18 gates on February 9, 1993.”.

19 **SEC. 209. UNIFORM TERMS IN ORDERS.**

20 Section 452(a) of the Social Security Act (42 U.S.C.
21 652(a)) is amended—

22 (1) in paragraph (9), by striking “and” after
23 the semicolon;

1 (2) in paragraph (10), by striking the period at
2 the end of the 2nd sentence and inserting “; and”;
3 and

4 (3) by adding at the end the following:

5 “(11) not later than 12 months after the date
6 of the enactment of this paragraph, develop, in con-
7 junction with State executive and judicial organiza-
8 tions, a uniform abstract of a child support order,
9 for use by all State courts to record, with respect to
10 each child support order in the child support order
11 registry established under section 466(a)(12)—

12 “(A) the date support payments are to
13 begin under the order;

14 “(B) the circumstances upon which sup-
15 port payments are to end under the order;

16 “(C) the amount of child support payable
17 pursuant to the order expressed as a sum cer-
18 tain to be paid on a monthly basis, arrearages
19 expressed as a sum certain as of a certain date,
20 and any payback schedule for the arrearages;

21 “(D) whether the order awards support in
22 a lump sum (nonallocated) or per child;

23 “(E) if the award is in a lump sum, the
24 event causing a change in the support award
25 and the amount of any change;

1 “(F) other expenses covered by the order;

2 “(G) the names of the parents subject to
3 the order;

4 “(H) the social security account numbers
5 of the parents;

6 “(I) the name, date of birth, and social se-
7 curity account number (if any) of each child
8 covered by the order;

9 “(J) the identification (FIPS code, name,
10 and address) of the court that issued the order;

11 “(K) any information on health care sup-
12 port required by the order; and

13 “(L) the party to contact if additional in-
14 formation is obtained.”.

15 **TITLE III—COST SHARING AND** 16 **COLLECTIONS DISBURSEMENTS**

17 **SEC. 301. NEW SYSTEM FOR DETERMINING COST SHARING** 18 **AND DISBURSEMENT OF COLLECTED CHILD** 19 **SUPPORT.**

20 (a) STATE PLAN REQUIREMENT.—Section 454 of the
21 Social Security Act (42 U.S.C. 654) is amended—

22 (1) by striking “and” at the end of paragraph
23 (23);

24 (2) by striking the period at the end of para-
25 graph (24) and inserting “; and”; and

1 (3) by inserting after paragraph (24) the fol-
2 lowing:

3 “(25) provide that the State shall make pay-
4 ments to the Secretary in accordance with section
5 455.”.

6 (b) PAYMENTS BY STATES WITH RESPECT TO COL-
7 LECTIONS REGARDING CHILDREN RECEIVING AID TO
8 FAMILIES WITH DEPENDENT CHILDREN.—Section 455
9 of such Act (42 U.S.C. 655) is amended to read as follows:

10 **“SEC. 455. PAYMENTS BY STATES.**

11 “(a) IN GENERAL.—Each State with a plan approved
12 under this part for a fiscal year shall pay to the Secretary
13 for the year an amount equal to the adjusted AFDC per-
14 centage of the net AFDC child support collections of the
15 State during the year.

16 “(b) DEFINITIONS.—As used in this section:

17 “(1) ADJUSTED AFDC PERCENTAGE.—The term
18 ‘adjusted AFDC percentage’ means, with respect to
19 a State and a fiscal year—

20 “(A) the AFDC percentage of the State
21 for the fiscal year; minus

22 “(B) the number of percentage points (if
23 any) by which the State performance percent-
24 age exceeds the performance standard for the
25 fiscal year.

1 “(2) AFDC PERCENTAGE.—The term ‘AFDC
2 percentage’ means, with respect to a State and a fis-
3 cal year—

4 “(A) if the State has exercised the option
5 provided for in section 1118, the Federal medi-
6 cal assistance percentage referred to in such
7 section; or

8 “(B) if the State has not exercised the op-
9 tion—

10 “(i) the Federal percentage (as de-
11 fined in section 1101(a)(8)), in the case of
12 any State other than Puerto Rico, the Vir-
13 gin Islands, Guam, or American Samoa; or

14 “(ii) 50 percent, in the case of Puerto
15 Rico, the Virgin Islands, Guam, and Amer-
16 ican Samoa.

17 “(3) NET AFDC CHILD SUPPORT COLLEC-
18 TIONS.—The term ‘net AFDC child support collec-
19 tions’ means, with respect to a State and a fiscal
20 year—

21 “(A) the total amount of child support (in-
22 cluding past-due support) collected by the State
23 during the fiscal year with respect to children
24 receiving aid under the State plan approved
25 under part A; minus

1 “(B) the total amount expended by the
2 State during the fiscal year with respect to the
3 collection of child support for such children, in-
4 cluding any amount distributed by the State
5 during the fiscal year pursuant to section
6 457(b)(1).

7 “(4) PERFORMANCE STANDARD.—

8 “(A) IN GENERAL.—The term ‘perform-
9 ance standard’ means 30 percent.

10 “(B) LIMITED AUTHORITY TO CHANGE
11 PERFORMANCE STANDARD.—The Secretary
12 shall annually review the performance standard
13 in effect under this section and determine
14 whether the standard is appropriate in achiev-
15 ing the purposes of this title, and may increase
16 or decrease the performance standard in effect
17 for the fiscal year to not more than 40 percent
18 and not less than 20 percent, as the Secretary
19 deems appropriate.

20 “(5) STATE PERFORMANCE PERCENTAGE.—The
21 term ‘State performance percentage’ means, with re-
22 spect to a State and a fiscal year—

23 “(A) the net AFDC child support collec-
24 tions of the State during the fiscal year; divided
25 by

1 “(B) the sum of—

2 “(i) the total amount of child support
3 (excluding past-due support) payable dur-
4 ing the fiscal year with respect to children
5 receiving aid under the State plan ap-
6 proved under part A; and

7 “(ii) the total amount of past-due
8 child support collected during the fiscal
9 year with respect to such children.”.

10 (c) PAYMENTS TO STATES WITH RESPECT TO CHIL-
11 DREN WHO ARE NOT ELIGIBLE FOR AID TO FAMILIES
12 WITH DEPENDENT CHILDREN.—Section 458 of such Act
13 (42 U.S.C. 658) is amended to read as follows:

14 **“SEC. 458. PAYMENTS TO STATES.**

15 “(a) IN GENERAL.—From the sums appropriated
16 therefor, the Secretary shall pay to each State for each
17 calendar quarter an amount equal to the adjusted AFDC
18 percentage of the qualified collection costs of the State for
19 the quarter.

20 “(b) DEFINITIONS.—As used in this section:

21 “(1) ADJUSTED AFDC PERCENTAGE.—The term
22 ‘adjusted AFDC percentage’ means, with respect to
23 a State and a quarter in a fiscal year—

24 “(A) the AFDC percentage of the State
25 for the fiscal year; plus

1 “(B) the number of percentage points (if
2 any) by which the State performance percent-
3 age for the immediately preceding fiscal year
4 exceeds the performance standard for such pre-
5 ceding fiscal year.

6 “(2) AFDC PERCENTAGE.—The term ‘AFDC
7 percentage’ means, with respect to a State and a
8 quarter in a fiscal year—

9 “(A) if the State has exercised the option
10 provided for in section 1118, the Federal medi-
11 cal assistance percentage referred to in such
12 section; or

13 “(B) if the State has not exercised the op-
14 tion—

15 “(i) the Federal percentage (as de-
16 fined in section 1101(a)(8)), in the case of
17 any State other than Puerto Rico, the Vir-
18 gin Islands, Guam, or American Samoa; or

19 “(ii) 50 percent, in the case of Puerto
20 Rico, the Virgin Islands, Guam, and Amer-
21 ican Samoa.

22 “(3) QUALIFIED NET COLLECTIONS.—The term
23 ‘qualified net collections’ means, with respect to a
24 State and a quarter in a fiscal year—

1 “(A) the total amount of child support (in-
2 cluding past-due support) collected by the State
3 during the fiscal year with respect to qualified
4 children; minus

5 “(B) the qualified collection costs of the
6 State during the fiscal year.

7 “(4) QUALIFIED COLLECTION COSTS.—The
8 term ‘qualified collection costs’ means, with respect
9 to a State and a quarter in a fiscal year, the total
10 amount expended by the State during the fiscal year
11 with respect to the collection of child support for
12 qualified children.

13 “(5) QUALIFIED CHILDREN.—The term ‘quali-
14 fied children’ means, with respect to a State, chil-
15 dren—

16 “(A) who are not receiving aid under the
17 State plan approved under part A;

18 “(B) whose family income does not exceed
19 200 percent of the poverty line; and

20 “(C) with respect to whom support is owed
21 pursuant to a child support order issued or
22 modified in the State.

23 “(6) PERFORMANCE STANDARD.—The term
24 ‘performance standard’ means, with respect to a
25 quarter in a fiscal year, 75 percent of the greatest

1 State performance percentage of any State for the
2 immediately preceding fiscal year.

3 “(7) POVERTY LINE.—The term ‘poverty line’
4 means the income official poverty line (as defined by
5 the Office of Management and Budget, and revised
6 annually in accordance with section 673(2) of the
7 Omnibus Budget Reconciliation Act of 1981) appli-
8 cable to a family of the size involved.

9 “(8) STATE PERFORMANCE PERCENTAGE.—The
10 term ‘State performance percentage’ means, with re-
11 spect to a State and a quarter in a fiscal year—

12 “(A) the qualified net collections of the
13 State during the fiscal year; divided by

14 “(B) the sum of—

15 “(i) the total amount of child support
16 (excluding past-due support) payable dur-
17 ing the fiscal year with respect to qualified
18 children; and

19 “(ii) the total amount of past-due
20 child support collected during the fiscal
21 year with respect to such children.

22 “(c) ESTIMATED PAYMENTS.—

23 “(1) ESTIMATE REQUIRED.—

24 “(A) IN GENERAL.—Before the beginning
25 of each quarter, the Secretary shall estimate

1 the amount to which each State will be entitled
2 under subsection (a) for the quarter.

3 “(B) CONTENTS OF ESTIMATE.—The esti-
4 mate shall be based on—

5 “(i) a report filed by the State that
6 contains—

7 “(I) an estimate by the State of
8 the total sum to be expended by the
9 State in the quarter in accordance
10 with subsection (a);

11 “(II) a statement of the amount
12 appropriated or made available by the
13 State and the political subdivisions of
14 the State for such expenditures in the
15 quarter; and

16 “(III) if the amount referred to
17 in clause (ii) is less than the State’s
18 proportionate share of the total sum
19 of such estimated expenditures, the
20 source of sources from which the
21 State expects the difference to be de-
22 rived; and

23 “(ii) such other investigation as the
24 Secretary may find necessary.

1 “(2) AMOUNT OF PAYMENT.—After making the
2 estimate required by paragraph (1) of this sub-
3 section with respect to a State for a quarter, the
4 Secretary shall, subject to subsection (d), pay to the
5 State, in such installments as the Secretary may de-
6 termine, the amount so estimated, reduced or in-
7 creased to the extent of any overpayment or
8 underpayment which the Secretary determines was
9 made under this section to the State for any prior
10 quarter and with respect to which adjustment has
11 not been made under this subsection.

12 “(3) SPECIAL RULES FOR LAST 3 QUARTERS OF
13 FISCAL YEAR 1996.—The Secretary shall, subject to
14 subsection (d), pay to the State, for each of the 2nd,
15 3rd, and 4th quarters of fiscal year 1996, an
16 amount equal to 60 percent of the total amount paid
17 to the State under this part (as in effect imme-
18 diately before the enactment of this section) with re-
19 spect to qualified children for the corresponding
20 quarter of fiscal year 1995, reduced or increased to
21 the extent of any overpayment or underpayment
22 which the Secretary determines was made under this
23 section to the State for any prior quarter and with
24 respect to which adjustment has not been made
25 under this subsection.

1 “(d) REPORTS REQUIRED.—Notwithstanding any
 2 other provision of law, no amount shall be paid to any
 3 State under this section for any quarter, before the close
 4 of the quarter, unless the State has submitted to the Sec-
 5 retary, with respect to each prior quarter (other than the
 6 last 2 quarters) for which payment is authorized to be
 7 made to the State under subsection (a), a full and com-
 8 plete report (in such form and manner and containing
 9 such information as the Secretary shall prescribe or re-
 10 quire) on the amount of child support collected and dis-
 11 bursed by the State and all expenditures by the State with
 12 respect to which payment is authorized under subsection
 13 (a).”.

14 (c) CONFORMING AMENDMENT.—Section 457(b)(2)
 15 of such Act (42 U.S.C. 657(b)(2)) is amended by striking
 16 “to the extent of its participation in the financing” and
 17 inserting “pursuant to section 455(a)”.

18 **SEC. 302. PROVISION OF CHILD SUPPORT ENFORCEMENT**
 19 **SERVICES TO FAMILIES WHOSE INCOME EX-**
 20 **CEEDS 200 PERCENT OF THE POVERTY LINE.**

21 (a) STATE OPTION TO PROVIDE SERVICES.—Section
 22 454(6)(A) of the Social Security Act (42 U.S.C.
 23 654(6)(A)) is amended by inserting “whose family income
 24 does not exceed 200 percent of the poverty line (as deter-
 25 mined under section 652 of the Omnibus Budget Rec-

1 conciliation Act of 1981), and, at the option of the State,
2 to any individual not otherwise eligible for such services
3 who family income exceeds 200 percent of the poverty
4 line,” before “upon application”.

5 (b) STATE OPTION TO IMPOSE INCREASED FEE FOR
6 SERVICES.—Section 454(6)(B)(i) of the Social Security
7 Act (42 U.S.C. 654(6)(B)(i)) is amended by inserting “for
8 individuals whose family income does not exceed 200 per-
9 cent of the poverty line, or (if the State elects to impose
10 a higher fee for services provided to individuals whose
11 family income does not exceed 200 percent of the poverty
12 line) such greater amount as the State may establish for
13 individuals whose family income does not exceed 200 per-
14 cent of the poverty line,” after “\$25”.

15 **TITLE IV—ACCOUNTING AND** 16 **REVIEWS**

17 **SEC. 401. ACCOUNTING.**

18 The Secretary of Health and Human Services, in con-
19 sultation with the Comptroller General of the United
20 States, shall develop guidelines to be used in accounting
21 for costs for purposes of sections 455 and 458 of the So-
22 cial Security Act, which shall provide for the costs de-
23 scribed in such section 455 to be accounted for separately
24 from the costs described in such section 458.

1 **SEC. 402. REVIEWS.**

2 (a) REVIEW.—The Comptroller General of the United
3 States shall conduct a review of—

4 (1) the system for reviewing the activities of
5 States pursuant to part D of title IV of the Social
6 Security Act;

7 (2) the information reporting requirements im-
8 posed on States under such part.

9 (b) REPORT TO THE CONGRESS.—The Comptroller
10 General shall submit to the Secretary of Health and
11 Human Services a report that contains recommendations
12 on how to improve and simplify the matters described in
13 subsection (a).

14 **TITLE V—EFFECTIVE DATE**

15 **SEC. 501. EFFECTIVE DATE.**

16 This Act and the amendments made by this Act shall
17 take effect on January 1, 1996.



HR 5180 IH—2

HR 5180 IH—3

HR 5180 IH—4